

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3  
4 US Bank Trust NA.

5 Plaintiff

6 v.

7 Riggs-Smith

8 Defendant

2:15-cv-00764-JAD-PAL

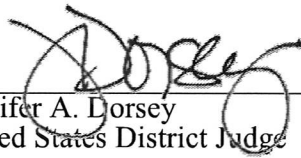
**Order Remanding Case Back to  
Nevada State Court**  
[ECF 6]

9  
10 Plaintiff US Bank Trust sued defendants Lessie Riggs-Smith and Raymond Smith for  
11 unlawful detainer in a Nevada state court. The Smiths filed a petition of removal invoking this  
12 court's civil-rights jurisdiction under 28 U.S.C. §1443(1).<sup>1</sup> US Bank timely moved to remand  
13 arguing that the Smiths cannot demonstrate jurisdiction based on section 1443, which is available  
14 only in very limited circumstances.<sup>2</sup> The Smiths have not opposed US Bank's motion or requested  
15 an extension to file an opposition, and the deadline for doing so passed more than two months ago.

16 Local Rule 7-2(d) provides, "[t]he failure of an opposing party to file points and authorities in  
17 response to any motion shall constitute a consent to the granting of the motion." As the Smiths have  
18 filed no opposition to US Bank's motion to remand, I deem their failure to oppose this motion a  
19 consent to remand. With good cause appearing and no reason to delay,

20 IT IS HEREBY ORDERED that plaintiff's Motion to Remand [ECF 6] is **GRANTED**. This  
21 case is remanded back to the Justice Court, Clark County, Nevada; case number 15C001668.

22 Dated this 27 day of August, 2015

23  
24   
25 Jennifer A. Dorsey  
United States District Judge

26  
27 <sup>1</sup> ECF 1.

28 <sup>2</sup> ECF 6 at 5.